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QUESTION OF HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: QUESTION OF MISSING AND DISAPPEARED PERSONS

Report of the Working Group on enforced or involuntary disappearances

GE.81-15133

wish to extend to the Group. This co-operation is indispensable for solving the problems which the Commission on Human Rights requested the Group to examine."

114. The question of establishing direct contacts with those immediately concerned with reports of enforced or involuntary disappearances in the terms mentioned above in paragraph 31, was raised by the Chairman of the Group in a letter dated 23 June 1980 addressed to the Permanent Representative of Guatemala to the United Nations Office at Geneva. The Chairman in that letter asked if the Government of Guatemala would in principle be disposed to issue an invitation to the Group to establish such direct contacts through a visit to Guatemala by one or two of its members should the information before the Group in the future make such contacts desirable. The Chairman of the Group, in a letter dated 18 September 1980 addressed to the Permanent Representative of Guatemala to the United Nations Office at Geneva, stated that the information received by the Group during its second session reinforced its opinion that one of the means through which it might best deal with allegations of enforced or involuntary disappearances and gain an understanding of the circumstances surrounding those allegations would be for it to establish direct contacts with those immediately concerned in such matters. The Chairman, in his letter added that, to this end the Group wished to reiterate its desire to know if the Government of Guatemala would be disposed to issue an invitation to the Group to establish direct contacts through a visit to that country.

115. As of the date of the adoption of the present report no communication has been received from the Government of Guatemala.

Statements made by representatives of associations or organizations directly concerned with reports of enforced or involuntary disappearances

116. During its second session the Group heard a statement by a representative of an organization directly concerned with reports of enforced or involuntary disappearances in Guatemala. In order to provide the Commission with an overview of the information presented to the Group, and of the expressions of concern and requests addressed to the Group, the most pertinent parts of the statements are reproduced in Annex XIV.

G. Analytical summary of information received concerning Indonesia and communications with the Government of that country

Source and character of the information

117. The Working Group received information from one non-governmental organization in consultative status with the Economic and Social Council concerning 22 cases of enforced or involuntary disappearance which reportedly occurred in East Timor between 1977 and 1979. That information included the names of the missing persons, and the reported dates of disappearance. According to the reports, some of these people were at one time under detention by the Indonesian Forces and others disappeared after having been arrested by, or having surrendered to these Forces; the dates of surrender or arrest were given. Most of the persons reported to have

disappeared belong to the Frente Revolucionarie de Timor Leste Independente (Fretilin). 14/

Information transmitted to the Government and the question of establishing direct contacts

118. The Chairman of the Working Group, in a letter dated 30 September 1980 addressed to the Permanent Representative of Indonesia to the United Nations Office at Geneva, transmitted to the Government of Indonesia a list of 22 cases of enforced or involuntary disappearance which have reportedly occurred in East Timor from 1977 to 1979, together with the request that the Government transmit to the Group such information as it might wish. The Group also asked the Government for any information it might wish to submit concerning any particular measures adopted at the national or local level to determine the whereabouts of persons alleged to have suffered enforced or involuntary disappearance. The Chairman in his letter, added that the Working Group hoped that this exchange of information would be the basis for a fruitful dialogue between it and the Government of Indonesia. The question of establishing direct contacts with those immediately concerned with reports of enforced or involuntary disappearances in the terms mentioned above in paragraph 31 was raised by the Chairman in a letter dated 23 June 1980 addressed to the Permanent Representative of Indonesia to the United Nations Office at Geneva. In that letter the Chairman asked if the Government of Indonesia would be disposed in principle to issue an invitation to the Group to establish such direct contacts through a visit to Indonesia by one or two of its members should the information before the Group in the future make such direct contacts desirable.

Information and views transmitted by the Government

119. In a note verbale dated 19 November 1980, the Permanent Mission of Indonesia to the United Nations Office at Geneva stated that in 1976 the people of East Timor had exercised their right to self-determination and had opted for integration with Indonesia, that since then East Timor had become an integral part of the Republic of Indonesia and any occurrence in that territory is a domestic affair of Indonesia. The Government, in that note verbale, stated that it was transmitting information and views to the Group on a voluntary basis. That note verbale, after recalling that in 1974/1975, before integration with Indonesia, a bitter and bloody civil war had raged in what was then Portuguese East Timor, reads, in part, as follows:

> "After integration, members of the FRETILIN who opposed integration fled to the mountains from where they were undertaking terrorist actions against the population. When they realized that they were not getting the support of the people, many of them later came down from their hide-outs to surrender to the security forces. In the process some of them may have been killed by the population as a revenge for the murders and other atrocities committed by the FRETILIN during the bloody civil war of 1974/1975 and afterwards.

14/ The information contained in these reports is available with the Secretariat for consultation by members of the Commission.

"In carrying out its task to restore peace and security to the people in East Timor, the Indonesian Government is doing its best to prevent such excesses and will continue to do so. The members of the Working Group will appreciate that this is not an easy task, considering the deep bitterness left over from the civil war exacerbated by the difficult terrain in East Timor and a bad communication system which is a legacy of several centuries of Portuguese colonization (East Timor has mountain peaks over 9000 feet high, a very backward infrastructure and lies about 2000 km from the capital). In spite of the efforts of the Indonesian Government, it is not always possible to prevent people from taking matters into their own hands sometimes.

"Nevertheless, great improvement has been made since 1976, not only in ending widespread bloodshed and suffering and in restoring peace and security, but also in elevating the living standard and general well-being of the population of East Timor. ..."

120. During its third session the Working Group met with the Deputy Permanent Representative of Indonesia to the United Nations Office at Geneva. The representative of Indonesia reviewed developments in his country and provided information concerning the situation in East Timor. He said that over a period of more than 15 years his Government had received numerous lists of names, seeking information about the persons mentioned therein. The Government of Indonesia, he stated had not checked the names on the list the Group had submitted; the Government was convinced that the case of each and every disappeared person was an important issue, but had decided as a matter of principle that their limited resources must at present be used for other purposes.

121. The Group thanked the representative of Indonesia for meeting with it and for the information he had provided. The Group requested him to inform his Government of the Group's desire to continue the dialogue thus established and of its wish to receive any further information the Government might wish to submit with regard to the reports of enforced or involuntary disappearances the Group had transmitted to it.

H. Analytical summary of information received concerning Mexico and communications with the Government of that country

Source and character of the information

122. The Working Group received from an organization located in Mexico and from a non-governmental organization in consultative status with the Economic and Social Council outside the country, a list of 570 persons who reportedly disappeared in Mexico. In addition, with regard to a few cases the Group received from individuals, usually relatives, reports concerning the circumstances of the disappearance including statements that the missing person or persons had been seen in clandestine detention centres.

Analytical summary of reports

123. The list of 570 persons reported missing contains the names, and with some exceptions, the date and place of disappearance of the persons con-